

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,  
DALLAS DIVISION**

KEN CURRY,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
COMMERCIAL RECOVERY SYSTEMS,	§	
INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

KEN CURRY (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against COMMERCIAL RECOVERY SYSTEMS, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.

**PARTIES**

6. Plaintiff is a natural person residing at 1510 Richardson Drive, Anchorage, Municipality of Anchorage, Alaska.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company with its main office located in Dallas, Texas.

### **FACTUAL ALLEGATIONS**

10. Defendant threatened to report the alleged debt as delinquent to the three major credit bureaus. To date, no such reports have been made to the credit bureaus.
11. Defendant left a message to Plaintiff stating, “case filed against you, here in our office, case# 2721316; would be making a legal recommendation pending your...”.
12. Defendant left a message on Plaintiff’s cell phone asking Plaintiff to return Defendant’s call at 1-800-214-7882 regarding Defendant rendering a decision on claim# 2721316.
13. Defendant placed collection calls to Plaintiff from telephone number 214-404-1852 asking Plaintiff to return Defendant’s call at 1-800-214-7882. Plaintiff returned Defendant’s call and requested to not receive collection calls anymore, to which Defendant stated, “under FDCPA we can call up to one time per day”.

### **COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692e of the FDCPA by false, deceptive, or misleading

representation or means in connection with the debt collection.

- b. Defendant violated §1692e(2) of the FDCPA by misrepresenting the character, amount, or legal status of the alleged debt.
- c. Defendant violated §1692e(5) of the FDCPA by threatening to take action that cannot legally be taken or is not intended to be taken.
- d. Defendant violated §1692e(8) of the FDCPA by threatening or communicating false credit information, including the failure to communicate that a debt is disputed.
- e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.

WHEREFORE, Plaintiff, KEN CURRY, respectfully requests judgment be entered against Defendant, COMMERCIAL RECOVERY SYSTEMS, INC., for the following:

- 15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 17. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: October 13, 2010

By: /s/Michael Agruss,  
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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, KEN CURRY, demands a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**


STATE OF TEXAS

Plaintiff, KEN CURRY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, KEN CURRY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

9/2/2010  
Date

  
KEN CURRY